

BP0307-US

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I. AMENDMENT

**A. In the Drawings:**

Please replace the four drawing sheets containing Figures 2A& 2B (one sheet), 4A, 4B and 4C with the new four drawing sheets attached as the next four pages of this document. Each new sheet is marked "Replacement Sheet" in the margin.

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II. REMARKS**1. Remarks on the Amendment to the Drawings:**

The drawing sheet containing Figures 2A and 2B is amended to remove the reference to compound 7 because compound 7, illustrated in Fig. 2B, is not entirely identical to compound 7, illustrated in Fig. 1. In particular, the compound in Fig. 1 is not isotopically enriched and the compound in Fig. 2B is isotopically enriched with  $^{15}\text{N}$ .

Drawing sheets containing Figures 4A, 4B and 4C have been amended to increment by 1 the number corresponding with each structure since it has been observed that the number 19 was used for differing structures in both Figure 3B and 4A. By incrementing the numbers in Figures 4A, 4B and 4C, confusion is avoided. Corresponding amendments to the specification are also requested.

It is believed that no new matter has been added by entry of any of the requested amendments.

**2. Remarks on the Amendment to the Specification:**

An amendment to various sections of text has been requested to correct clerical errors and to increment several of the numbers corresponding with structures found in the figures. Corrections for various other clerical errors have been requested. For example, it has been observed that the symbol "--" was electronically substituted for the Greek character  $\delta$  which is commonly used to signify chemical shift in  $^1\text{H}$ -NMR analysis. Entry of the amendment to the specification is requested.

It is believed that no new matter has been added by entry of any of the requested amendments.

**3. Remarks on the Amendment to the Claims:**

Claims 1 and 11 are amended to remove use of the word 'comprise' and variations thereof. Although this amendment is offered to overcome the rejection under 35 U.S.C. § 112, second paragraph, it is believed that the scope of the claimed subject matter of these claims remains unchanged.

Claim 5 has been amended to correct the dependency.

Claim 12 has been amended to refer to salts of the compound. Antecedent basis for this amendment can be found throughout the specification as filed but in particular at page 14, line 29 to page 15, line 2.

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New claims 23-26 have been added to more distinctly claim subject matter for which applicants seek letters patent. Antecedent basis for these claims can be found throughout the specification but in particular at pages 5-13 of the application as filed.

It is believed that no new matter has been added by entry of any of the requested amendments.

#### **4. Action Summary**

Claims 1-22 stand pending in the application. Claims 1-22 stand rejected under 35 U.S.C. § 112, second paragraph for use of the term "comprising". No claim stands allowed.

#### **5. Response to the Rejections under 35 U.S.C. § 112, second paragraph:**

It is believed that the amendment to the claims set forth herein renders moot this rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

#### **6. Information Disclosure Statements**

An Information Disclosure Statements was filed on May 4, 2007 (3 days before the issuance of this Office Action). The Examiner is requested to return the PTO-1449 for said IDS with the next office communication.

#### **7. Other Applications Owned by Applera Corporation**

For the convenience of the Examiner, reference is made to Table 1, below, and the identified copending applications owned by Applera Corporation. The Examiner is invited to review the claims of these applications for consideration of any obviousness type double patenting rejections that he/she may feel is/are appropriate.

**Table 1**

<b>Title</b>	<b>Serial No.</b>	<b>Filing Date</b>	<b>Status</b>
Mixtures Of Isobarically Labeled Analytes And Fragments Ions Derived Therefrom	10/751,353	05 Jan 2004	Abandoned
Active Esters of N-substituted Piperazine Acetic Acids, Including Isotopically Enriched Versions Thereof	10/751,354	05 Jan 2004	Pending

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Isotopically Enriched N-Substituted Piperazines and Methods For The Preparation Thereof	10/751,388	05 Jan 2004	Pending
Methods And Mixtures Pertaining To Analyte Determination Using Electrophilic Labeling Reagents	10/765,264	27 Jan 2004	Pending
Compositions And Kits Pertaining To Analyte Determination	10/765,267	27 Jan 2004	Granted
Methods And Mixtures Pertaining To Analyte Determination	10/765,458	27 Jan 2004	Pending
Mixtures Of Isobarically Labeled Analytes And Fragments Ions Derived Therefrom	10/822,639	12 Apr 2004	Pending
Isobarically Labeled Analytes And Fragment Ions Derived Therefrom	10/852,730	24 May 2004	Pending
Method And Apparatus For De-Convoluting A Convolutd Spectrum	10/916,629	12 Aug 2004	Granted
Analysis Of Mass Spectral Data In The Quiet Zones	10/999,638	24 Nov 2004	Pending
Preparation Of Biologically Derived Fluids For Biomarker Determination By Mass Spectrometry	11/051,807	04 Feb 2005	Pending
Determination of Analyte Characteristics Based Upon Affinity Binding Properties	11/069,277	01 Mar 2005	Pending
Isobaric-Coded Mass Tags for Quantitative Protein Analyses with Tandem MS	11/179,060	11 Jul 2005	Pending
Methods, Compositions and Kits Pertaining To Analyte Determination	11/319,685	28 Dec 2005	Pending
Mass Tags for Quantitative Analysis	11/355,904	15 Feb 2006	Pending
Kits Pertain to Analyte Determination	11/623,510	16 Jan 2007	Pending
Sets and compositions pertaining to analyte determination	11/673,809	12 Feb 2007	Pending

III. SUMMARY

It is believed that this response addresses all issues set forth in the present Office Action and the application is in ready condition for allowance. In consideration of the preceding amendments and remarks, Applicants hereby respectfully request the issuance of a Notice of Allowance by The Office.

IV. INTERVIEW

If the Examiner believes a telephonic or personal interview would advance the prosecution of the subject application, the Examiner is invited to contact attorney Gildea during business hours at the telephone or facsimile numbers listed below.

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V. FEES

According to the fee calculation sheet in PAIR dated January 5, 2004, fees for 22 total claims and 3 independent claims have thus far been paid to the Office with respect to the present application. Upon entry of this amendment, this application will contain 26 total claims and 4 independent claims. The following calculations indicate that a fee of \$400.00 is due the Office for entry of this amendment and for the consideration of the amended set of claims.

Total Claims	-	Claims Paid	=	Claims to be Paid			Totals
26	-	22	=	4		x \$50.00	\$ 200.00
Total Ind. Claims		Ind. Claims Paid		Ind. Claims to be Paid			
4		3		1		x \$200.00	\$ 200.00
Total Due Office							\$ 400.00

The Office is hereby authorized to deduct the fee due, believed to be \$400.00, for entry of this amendment set forth herein from Deposit Account 01-2213 (Order No. BP0307-US). No other fees are believed to be due to The Office for consideration of this paper. If however, The Office determines that any fee is properly due for its consideration of this paper, authorization is hereby granted to charge any required fee associated with the filing or proper consideration of this paper to Deposit Account 01-2213 (Order No. BP0307-US).

VI. CORRESPONDENCE/CUSTOMER NUMBER

Please send all correspondence pertaining to this document to:

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781-271-0018

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IF NOT ALREADY DONE, PLEASE ASSOCIATE THIS CASE WITH CUSTOMER  
NUMBER

66102

Respectfully submitted  
on behalf of Applicants,

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August 7, 2007

Date

Brian D. Gildea

Brian D. Gildea, Esq.; Reg. No. 39,995

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